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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,770	10/14/2003	Thomas W. Kampf	02316.1220USD1	6337
23552 7590 05/15/2007 MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER OMGBA, ESSAMA	
			ART UNIT 3726	PAPER NUMBER
			MAIL DATE 05/15/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/685,770

Applicant(s)

KAMPF ET AL.

Examiner

Essama Omgba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henneberger et al. (US Patent 5,067,678) or Fox (US Patent 7,034,227).

Henneberger et al. discloses a method of assembling a cable routing system comprising providing a routing system comprising a base element 12 with a planar top surface, the top surface having linear mating edges on opposite sides of the planar top surface, each linear edge having a continuous cross-section along the length of each linear mating edge (col. 4, lines 6-9), a plurality of side elements mounted to the base elements along the linear mating edges, a first plurality of the side elements 14 having an upstanding wall portion extending to a vertical height above the planar top surface of the base elements (col. 4, lines 9-15), a second plurality of the side elements defining side exits extending transversely relative to the linear mating edges and generally parallel to the planar top surface such as downspouts and side exit elements, see column 5, lines 25-68 and column 6 and 7, the cable routing system suspended from a ceiling structure (col. 1, lines 12-25 and col. 4, lines 1-3). Likewise Fox discloses a method of assembling a cable routing system with base element 18, side elements 16 and a second plurality of side elements defining side exits and other connectors that may be required to run the cable routing system in any desired direction (col. 2, lines 31-34 and abstract). Although the elements of the cable routing systems of

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Henneberger et al. and Fox are integrally formed, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the cable routing systems of Henneberger et al. and Fox in various elements since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179. Applicant should note that forming the side elements 14 integrally with base element 12 as disclosed by Henneberger et al. or Fox appears to be an improvement in forming the base and side elements separately and subsequently mounting the side elements on the base elements since there is a reduction of steps and of the number of separated pieces to handle during the manufacturing process, thereby resulting in a simpler manufacturing process and improved efficiency. Furthermore although side elements are integrally formed with base element in the methods of Henneberger et al. and Fox, the side elements could be considered mounted on the base element as they are attached to the base element.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henneberger et al. or Fox in view of Barybin et al. (SU 1272387).

Henneberger et al. discloses a method of assembling a cable routing system comprising providing a routing system comprising a base element 12 with a planar top surface, the top surface having linear mating edges on opposite sides of the planar top surface, each linear edge having a continuous cross-section along the length of each linear mating edge (col. 4, lines 6-9), a plurality of side elements mounted to the base elements along the linear mating edges, a first plurality of the side elements 14 having an upstanding wall portion extending to a vertical height above the planar top surface of

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the base elements (col. 4, lines 9-15), a second plurality of the side elements defining side exits extending transversely relative to the linear mating edges and generally parallel to the planar top surface such as downspouts and side exit elements, see column 5, lines 25-68 and column 6 and 7, the cable routing system suspended from a ceiling structure (col. 1, lines 12-25 and col. 4, lines 1-3). Likewise Fox discloses a method of assembling a cable routing system with base element 18, side elements 16 and a second plurality of side elements defining side exits and other connectors that may be required to run the cable routing system in any desired direction (col. 2, lines 31-34 and abstract). Although the elements of the cable routing systems of Henneberger et al. and Fox are integrally formed, it is known to form such elements of a cable routing system in various elements and assembling the elements to form the cable routing systems as attested by Barybin et al., see the provided English translation and the figures. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the cable routing systems of Henneberger et al. and Fox in various elements and subsequently assemble the various elements to form the cable routing systems, in light of the teachings of Barybin et al., in order to provide disconnectable cable routing systems and enlarge the field of application of the cable routing systems.

#### ***Response to Arguments***

4. Applicant's arguments filed February 26, 2007 have been fully considered but they are not persuasive.

In response to Applicant's argument that neither Henneberger et al. nor Fox suggests a base element with linear mating edges configured in the manner recited in claim 1, the examiner submits that the plane separating the base element and the integral side elements represents a linear mating edge with a constant cross section along the mating plane of the base elements and side elements. The recitation of "linear mating edge" does not confer any structure except that the mating edge need only be "straight".

In response to Applicant's argument that Barybin fails to disclose a second plurality of side elements defining exits extending transversely relative to the linear mating edges, and generally parallel to the planar top surface as recited in claim 1, the examiner submits that such side elements are old and well known in the art as disclosed by Henneberger et al. or Fox, and it is within the general knowledge of one of ordinary skill in the art to provide such side elements.

In response to Applicant's argument that the examiner provides no rationale as to how one skilled in the art at the time of the invention would modify either Henneberger or Fox in view of Barybin to arrive at the claimed invention, once again the examiner submits that the recitation of "linear mating edge" only requires "straight" mating edge and the drawings of Barybin et al. clearly show how a base element could be coupled to side elements along a linear mating edge.

In view of the above remarks, the examiner maintains that a *prima facie* case of obviousness has been established in the instant application.



***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Essama Omgba  
Primary Examiner  
Art Unit 3726

eo  
May 10, 2007